

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The Utility Consumers' Action Network (UCAN),

Complainant,

vs.

Pacific Bell Telephone Company,

Defendant.

Case 02-01-007
(Filed January 7, 2002)

Investigation on the Commission's Own Motion
into the Operations, Practices, and Conduct of
Pacific Bell Telephone Company (U 1001 C),
Pacific Bell Internet Services, and SBC Advanced
Solutions, Inc. (U 6346 C) to Determine Whether
They Have Violated the Laws, Rules and
Regulations Governing the Inclusion of Charges
for Products or Services on Telephone Bills.

Investigation 02-01-024
(Filed January 23, 2002)

ADMINISTRATIVE LAW JUDGE'S RULING ON UCAN MOTION TO COMPEL

On March 19, 2002, the Utility Consumers' Action Network (UCAN) filed
a Motion to Compel Discovery from Pacific Bell. UCAN's Motion sets forth its

position on thirteen data request items¹ for which it says Pacific Bell is refusing to provide the information requested.

Because the parties are facing deadlines to complete and serve their testimony, this Ruling addresses each data request item without waiting for responses from Pacific or the other parties.

Data Request 1.c

UCAN's Request: Please produce any and all documents which detail the level of sales, revenues or income generated for all of Pacific Bell's services each year since the DSL program began.

Ruling: Pacific must respond, but may narrow its response to only DSL-related information. Where DSL sales, revenues or income figures are aggregated with other, non-DSL figures and the DSL figures cannot be provided separately, the aggregated information is to be considered DSL-related and Pacific must provide the aggregated information.

Data Request 8.a

UCAN's Request: Please identify the number of employee absences of Customer Service Representatives (CSRs) due to stress, distress or any and all other forms of employee fatigue during the time frame in which DSL has been offered by Pacific Bell.

Ruling: Pacific must respond, but may narrow its response to only DSL-related information. Absences which Pacific knows or has reason to suspect were due in some part to DSL-related stress, etc., are to be considered DSL-related and must be included in the response.

¹ Page 2 of UCAN's motion says there are ten requests at issue; page 3 says twelve are in dispute; and the body of the Motion recites thirteen. This Ruling addresses the thirteen data requests that UCAN actually lists and supports.

Data Request 8.b

UCAN's Request: Please also provide the number of current Pacific Bell CSRs who had worked on DSL services and who are currently on some kind of temporary leave from the company.

Ruling: Pacific must respond, but may narrow its response to only DSL-related information. Employee leaves which Pacific knows or has reason to suspect were due in some part to DSL-related factors are to be considered DSL-related and must be included in the response.

Data Request 10

UCAN's Request: Please provide copies of the quarterly "sales ranking report" for all California call centers during the 2001 calendar year. If the quarterly reports are not readily available or overly burdensome to produce, please identify those centers which exceeded 100% of the target anytime during the 2001 calendar year.

Ruling: Pacific must respond to the request as stated.

Data Request 14

UCAN's Request: Please provide the tabulation of CSRs who had direct involvement to non-regulated services during the 2001 calendar year. Please also provide a tabulation of the number of CSRs who did not report ANY direct involvement during the 2001 calendar year. (Background: FCC rules required that when a CSR have direct involvement in work that relates to a non-regulated product, or a product having an interdepartmental tracking code). [sic]

Ruling: Pacific must respond to the request as stated.

Data Request 15

UCAN's Request: In relation to Request #13, please also provide a narrative describing what documentation Pacific Bell provides to provide an audit trail on the specific activity performed by the CSR.

Please include in your answer a copy of the form used by CSRs to report details of the direct involvement.

Ruling: Pacific must respond to the request as stated.

Data Requests 27 through 33

UCAN's Request 27: Please provide any and all reports, memos, or documented analysis in the possession of any SBC or Pacific Bell executive office that have been authored since January 1, 1997 which evaluate the quality of Pacific Bell's customer service operations and/or customer satisfaction, including but not limited to DSL services. This should include annual customer satisfaction surveys (in-house or contracted), comparative service analyses and regulatory filings.

UCAN's Request 28: Please provide any and all memos, reports or documents generated since January 1, 1997 in the possession of the Pacific Bell or SBC external communications offices, that relates to customer satisfaction with Pacific's services, including but not limited to DSL services. These offices include any retained consultants to Pacific Bell/SBC as well as any of the SBC media relations offices. [sic]

UCAN's Request 29: Please provide a copy of the evaluative criteria by which Pacific Bell currently judges its customer service quality and/or customer satisfaction.

UCAN's Request 30: Please provide copies of any and all externally-authored reports since January 1, 1998 that evaluate or compare the quality of Pacific limited to DSL services. This should include any reports authored by JD Power, Yankee Group or other management consultancies. [sic]

UCAN's Request 31: Please provide any and all memos, reports or documents generated since January 1, 2000 possessed by any SBC or Pacific Bell executive office of Vice President or higher that relates to the quality of service of Pacific's DSL services. [sic]

UCAN's Request 32: Please provide any and all memos, reports or documents generated since January 1, 2000 possessed by any SBC or Pacific Bell executive office of Vice President or higher that relates to customer satisfaction with Pacific's DSL services. [sic]

UCAN's Request 33: Please provide any and all memos, reports or documents generated since January 1, 1998 by SBC or Pacific Bell that have been provided to any California Public Utilities Commission Commissioner's office that relates to customer satisfaction with Pacific's services, including but not limited to DSL services. This request does NOT include copies of any formally filed documents at the California PUC. [sic]

Ruling: Pacific must respond to Requests 27 through 33, but may exclude items that have no relationship to DSL. Matters are to be considered DSL-related if they cover any area of which either DSL customer service representative interaction or DSL billing is a part.

For All Data Requests in this Ruling

In many places the Commission's OII uses the term "DSL and/or Internet...." Accordingly, "DSL" as used in this Ruling is intended to encompass both or either of those.

"DSL service quality" and similar terms as used in some of UCAN's requests above may be excessively broad. "DSL-related" is to be considered as including (but not being limited to) matters which deal with customers' DSL-related billings and/or DSL-related interactions of every type with customer service representatives. When responding to these UCAN data requests, Pacific may exclude matters that relate only to technical aspects of the end-user's DSL line. E.g., Pacific may exclude memos, reports, documents, etc. that deal solely with such matters as DSL line speed, DSL line quality, etc. DSL line quality of

service and DSL line installation problems per se are not currently at issue in the proceeding.

Note also that this Ruling applies to UCAN only. The Commission in I.02-01-024 invited CSD to explore other issues and to bring them to the Commission's attention for possible inclusion in this proceeding if appropriate. This Ruling is not intended to limit the scope of CSD's discovery requests or other inquiries in any way.

Therefore, **IT IS RULED** that the Utility Consumers' Action Network (UCAN) Motion to Compel Discovery From Pacific Bell filed March 19, 2002 is granted to the extent set forth in this ruling and is denied in all other respects.

Dated March 28, 2002, at San Francisco, California.

/s/ JAMES C. MCVICAR

James C. McVicar
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on UCAN Motion to Compel on all parties of record in this proceeding or their attorneys of record.

Dated March 28, 2002, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.